

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 7/10/2023

ADLER FREEMAN & HERZ LLP
FOUNDED 1888

Within ten days of the entry of this Order, counsel for the Indirect Purchaser Plaintiff Class shall file an additional submission explaining this application for further administration costs. This submission shall include proposed amended distribution order (the "Proposed Order"). The Proposed Order shall (1) modify the distribution order entered at Doc. 2023 to facilitate the payment of JND as requested below; (2) require that, following the second distribution of funds as described in Doc. 2023 ¶ 7 and any comparable process in the Proposed Order, counsel for the Indirect Purchaser Plaintiff Class shall file a letter stating the unclaimed sum remaining in the settlement funds; and (3) providing that such unclaimed funds shall not be disbursed without further order of the Court.

June 29, 2023

Hon. Vernon S. Broderick, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*
1:14-md-02542-VSB

Dear Judge Broderick:

Counsel for the Indirect Purchaser Plaintiff Class write in response to the Court's Order of June 13, 2023. The portion of the Court's order directed to the IPP Class's attention escaped notice, and the undersigned offers a respectful and unreserved apology for the error and for the delay.

Immediately following the Court's distribution order, class counsel was contacted by representatives of several institutional claimants with data-intensive claims, who threatened to dispute the distribution and plan of allocation. Rather than use the time and effort of the Special Master or the Court, counsel undertook to review the claims at issue at a granular level and resolve the disputes through negotiation, which was successful, but which added delay to the process. Accordingly, despite the passage of time since the Court's order, the distribution checks have not been sent.

Therefore, the amount of unclaimed funds is an unknown sum at this time. IPP counsel have no objection to the use of a portion of the unclaimed funds to defray the cost of the Special Master.

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

Hon. Vernon S. Broderick, U.S.D.J.
June 29, 2023
Page 2

Claims administrator JND has advised us that the amount expended, particularly in the laborious process of resolving disputes with separately represented institutional claimants with data-intensive claims, has been greater than anticipated. JND's invoices, paid and unpaid, are attached hereto and IPP counsel respectfully requests that the Court modify the Distribution Order to permit JND to be paid an additional \$270,576.88, in full satisfaction of their work on this engagement. If it would be of use to the Court to have a further submission concerning the application for administration costs, IPP counsel respectfully requests one week to submit it. Distribution checks can be sent within seven business days of an order resolving this application.

Respectfully,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: 
Thomas H. Burt

THB:jg\814566

Enclosure